

EXHIBIT "1"

EXHIBIT "1"

1 **SUMM**

*Rec'd
1/27/16*

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6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8
9 Cameron E. Oliver

10
11 Plaintiff(s),

CASE NO. A-16-730572-C

12 -vs-

DEPT. NO. XXIX

13 Bell Trans, et al.

14 Defendant(s).
15

16 **SUMMONS - CIVIL**

17 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
18 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.**
19 **READ THE INFORMATION BELOW.**

20 **TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against
21 you for the relief set forth in the Complaint.

- 22 1. If you intend to defend this lawsuit, within 20 days after this Summons is
23 served on you, exclusive of the day of service, you must do the following:
24 (a) File with the Clerk of this Court, whose address is shown below, a
25 formal written response to the Complaint in accordance with the rules
26 of the Court, with the appropriate filing fee.
27 (b) Serve a copy of your response upon the attorney whose name and
28 address is shown below.

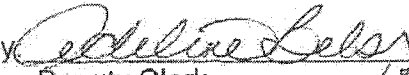
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:


Leon Greenberg, Esquire
2965 S. Jones Boulevard, Suite E-3
Las Vegas, NV 89146

STEVEN D. GRIERSON
CLERK OF COURT

JAN 22 2016

By 
Deputy Clerk Date
ADELINE BELSEY
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

AFFIDAVIT OF SERVICE

STATE OF _____)
) ss:
 COUNTY OF _____)

_____, being duly sworn, says: That at all times herein affiant was and is over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Summons and Complaint, _____ on the _____ day of _____, 20_____ and served the same on the _____ day of _____, 20_____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at (state address) _____
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) _____

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____
 - (a) With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - (b) With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

- ☐ Ordinary mail
☐ Certified mail, return receipt requested
☐ Registered mail, return receipt requested

1 addressed to the Defendant _____ at Defendant's last known address which is
2 (state address) _____
3

4 I declare under penalty of perjury under the law of the State of Nevada that the
5 foregoing is true and correct.

6 EXECUTED this _____ day of _____, 20_____.
7

8 _____
9 Signature of person making service
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DISTRICT COURT CIVIL COVER SHEET A-16-730572-C

County, Nevada

Case No.

XXIX

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Cameron E. Oliver 6015 Tea Light Court Las Vegas, NV 89113	Defendant(s) (name/address/phone): Bell Trans, A NV Corp., Brent J. Bell 1900 Industrial Rd., Las Vegas, NV 89102
Attorney (name/address/phone): Leon Greenberg, Esq. Dana Sniegocki, Esq. 2965 S. Jones Blvd., Suite E-3 Las Vegas, NV 89146 702-383-6085	Attorney (name/address/phone): unknown

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

January 20, 2016

Date

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
01/20/2016 05:53:46 PM



CLERK OF THE COURT

1 **COMP**

2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
4 Leon Greenberg Professional Corporation
5 2965 South Jones Blvd- Suite E3
6 Las Vegas, Nevada 89146
7 Tel (702) 383-6085
8 Fax (702) 385-1827
9 leongreenberg@overtimeclaw.com
10 dana@overtimeclaw.com

11 Attorneys for Plaintiffs

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 A-16-730572-C

15 CAMERON E. OLIVER, Individually
16 and on behalf of others similarly
17 situated,

18 Plaintiff,

19 vs.

20 BELL TRANS, A NEVADA
21 CORPORATION, and BRENT J. BELL,

22 Defendants.

Case No.:

XXIX

Dept.:

COMPLAINT

**ARBITRATION EXEMPTION
CLAIMED BECAUSE THIS IS
A CLASS ACTION CASE**

23 CAMERON OLIVER, individually and on behalf of others similarly situated, by
24 and through their attorneys, Leon Greenberg Professional Corporation, as and for a
25 Complaint against the defendants, states and alleges, as follows:

JURISDICTION, PARTIES AND PRELIMINARY STATEMENT

26 1. The plaintiff, CAMERON OLIVER, (the "individual plaintiff" or the "named
27 plaintiff") is a resident of Clark County in the State of Nevada and is a former
28 employee of the defendants.

2. The defendant, BELL TRANS, A NEVADA CORPORATION, (hereinafter referred to as "Bell Trans" or one of the "defendants") is a corporation existing and established pursuant to the laws of the State of Nevada with its principal place of business in the County of Clark, State of Nevada and conducts business in Nevada.

3. The defendant, BRENT J. BELL, is, for the purposes of the claims made herein under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (the “FLSA”), an employer of the named plaintiff and the members of the putative plaintiff class as he has acted on behalf of an employer and/or acted as an employer by willfully, intentionally, knowingly or otherwise promoting, allowing, directing or otherwise creating the compensation policies alleged herein that violate the FLSA, such individual defendant also exercising the power he had with the other defendant, Bell Trans, by virtue of his status as an officer and/or manager and/or owner of the same to continue, create, or allow such policies to flourish and remain in existence

INTRODUCTION

4. This is a class and collective action brought on behalf of all persons who worked for the defendants within the last three or four years as drivers of limousines, excluding in respect to the FLSA claims made herein all persons for whom the Secretary of Transportation has the power to establish qualifications and maximum hours of service pursuant to the provisions of Section 204 of the Motor Carrier Act of 1935.

5. The class and collective action may include one or more sub-classes consisting of the drivers directly employed by Bell Trans, if the Court finds that more manageable.

6. Bell Trans, operates numerous limousines which have the capacity to transport 14 or fewer persons, along with their driver, and which have a gross vehicle weight of less than 10,000 pounds. A CDL (commercial drivers license) is not required to operate these limousines because they do not meet the 14 plus 1 (14 passengers plus a driver) minimum for Department of Transportation regulation.

1 7. While taxicab drivers are exempt from the overtime compensation
2 provisions of the federal Fair Labor Standards Act, limousine drivers are not. *See*, April
3 17, 1998 Opinion Letter of the Wage and Hour Division of United States Department
4 of Labor, reported at 1998 WL 852774, Section 24h03 of the United States Department
5 of Labor's Field Operations Handbook, *Powell v. Carey Int'l, Inc.*, 483 F.Supp.2d
6 1168, 1172-73 (S.D. Fla. 2007); *Powell v. Carey Int'l, Inc.*, 490 F.Supp.2d 1202, 1213
7 (S.D. Fla. 2006) (Defendants are not exempt as taxicab operators when they have
8 contract arrangements with local hotels, corporate clients, and destination management
9 companies, and utilize large cars that are not traditionally recognized as taxicabs.);
10 *Airlines Transp. v. Tobin*, 198 F.2d 249, 250 (4th Cir. 1952); *Wirtz v. Cincinnati*,
11 *Newport and Covington Transp. Co.*, 375 F.2d 513, 515 (6th Cir. 1967).

12 8. Plaintiff and the members of the proposed plaintiff class spend most of
13 their driving time driving vehicles that accommodate and can transport more than six
14 passengers and are therefore not taxicabs as that term is defined by Nevada Revised
15 Statutes (NRS) 706.8816(1), which says, "'Taxicab' means a motor vehicle or vehicles
16 which is designed or constructed to accommodate and transport not more than six
17 passengers, including the driver, and is: (a) Fitted with a taximeter or other device to
18 indicate and determine the passenger fare charged; (b) Used in the transportation of
19 passengers or light express or both for which a charge or fee is received; or (c)
20 Operated in any service which is held out to the public as being available for the
21 transportation of passengers from place to place in the State of Nevada."

22 9. Plaintiff and the members of the proposed plaintiff class in most or all
23 weeks of their employment operate as part of their employment during each such week
24 a traditional limousine, as that term is defined in either Nevada Administrative Code
25 (NAC) 706.124 having a capacity of less than nine passengers (including the driver),
26 such traditional limousines also having a gross vehicle weight rating ("GVWR") of less
27 than 10,000 pounds for purposes of the Safe, Accountable, Flexible, Efficient
28 Transportation Equity Act: A Legacy for Users ("SAFETEA-LU"). Pub. L. No. 109-

1 59, 119 Stat. 1144 (2005) and the SAFETEA-LU Technical Corrections Act of 2008.
2 Pub. L. No. 110-244, 122 Stat. 1572 (2008) ("Technical Corrections Act" or "TCA").
3 This means the plaintiff and the members of the proposed plaintiff class were not
4 subject to the overtime exemption of Section 13(b)(1) of the Fair Labor Standards Act
5 during most or all of their weeks of employment since they were "covered employees"
6 within the meaning of the TCA as a result of such circumstances.

7 10. Even if the plaintiff and the members of the proposed plaintiff class were
8 not "covered employees" within the meaning of the TCA during certain, or all, weeks
9 of their employment, they do not drive passengers with "through tickets" from airlines
10 for travel interstate, and otherwise are not involved in the interstate transportation of
11 passengers and/or property, and as a result they are not exempt from overtime under
12 Section 13(b)(1) of the Fair Labor Standards Act. *See*, Section 24c04 of the United
13 States Department Field Operations Handbook, which states with original emphasis,
14 "Therefore, Sec 13(b)(1) will not apply except in the case of a through-ticketing or
15 other common arrangements for continuous passage or interchange between the motor
16 carrier and the air carrier."

17 11. In addition, plaintiff and the members of the proposed plaintiff class are
18 not exempt from overtime compensation under Section 13(b)(1) of the Fair Labor
19 Standards Act, because, if not for the reasons already alleged then for other reasons, the
20 Secretary of Transportation does not have the power to establish qualifications and
21 maximum hours of service pursuant to the provisions of Section 204 of the Motor
22 Carrier Act of 1935 for these plaintiffs and proposed members of the plaintiff class.

23 12. Upon information and belief, there are no collective bargaining
24 agreements applicable to the plaintiff and/or members of the proposed plaintiff class
25 which waive the provisions of Article 15, Section 16 of the Constitution of the State of
26 Nevada or any other minimum wage or overtime laws.

CLASS ACTION AND COLLECTIVE ACTION ALLEGATIONS

13. The plaintiff brings this action as a class action pursuant to Nev. R. Civ. P. §23 on behalf of themselves and a class of all similarly situated persons employed by the defendants in the State of Nevada.

14. The class of similarly situated persons for Nev. R. Civ. P. 23 purposes consists of all persons employed by defendants from January 2, 2011 continuing until date of judgment, such persons being employed as limousine drivers such employment involving the driving of limousines for the defendant in the State of Nevada.

15. A common circumstance of the limousine drivers giving rise to the Nevada state law class action allegations and the Fair Labor Standards Act collective action allegations is that while they were employed by defendant they were not paid the minimum wage required by Nevada's Constitution, Article 15, Section 16 for many or most of the days that they worked in that their hourly compensation, when calculated pursuant to the requirements of said Nevada Constitutional provision, did not equal at least the minimum hourly wage provided for therein, and they were not paid the proper minimum wages or any overtime wages required by 29 U.S.C. §§ 206 and 207 .

16. Pursuant to Section 16(b) of the Fair Labor Standards Act (hereinafter "FLSA"), the individual plaintiff brings this Complaint as a collective action (also commonly referred to as an "opt-in" class), on behalf of themselves and all persons similarly situated, to wit a putative class of limousine drivers employed by the defendants in the State of Nevada from January 2, 2011 until entry of judgment after trial, such limousine drivers not being paid, on occasion, minimum wage in accordance with the FLSA and having, on occasion, worked in excess of 40 hours per week and not having been compensated at time and one-half their regular hourly rate for each hour worked in excess of 40 hours per week as required by the FLSA. Such weeks of work in excess of 40 hours per week are known to defendants who possess the plaintiff's work schedules and often arise during busy Las Vegas convention

1 times, such as during the consumer electronics show held in January of every year,
2 with plaintiff CAMERON OLIVER also working in excess of 40 hours during the last
3 week of October of 2015.

4 17. The named plaintiff is informed and believes, and based thereon alleges
5 that there are at least 100 putative class action members. The actual number of class
6 members is readily ascertainable by a review of the defendants' records through
7 appropriate discovery.

8 18. There is a well-defined community of interest in the questions of law and
9 fact affecting the class as a whole.

10 19. Proof of a common or single set of facts will establish the right of each
11 member of the class to recover. These common questions of law and fact predominate
12 over questions that affect only individual class members. The individual plaintiffs'
13 claims are typical of those of the class.

14 20. A class action is superior to other available methods for the fair and
15 efficient adjudication of the controversy. Due to the typicality of the class members'
16 claims, the interests of judicial economy will be best served by adjudication of this
17 lawsuit as a class action. This type of case is uniquely well-suited for class treatment
18 since the employer's practices were uniform and the burden is on the employer to
19 establish that its method for compensating the class members complies with the
20 requirements of Nevada law.

21 21. The individual plaintiff will fairly and adequately represent the interests of
22 the class and has no interests that conflict with or are antagonistic to the interests of the
23 class and has retained to represent them competent counsel experienced in the
24 prosecution of class action cases and will thus be able to appropriately prosecute this
25 case on behalf of the class.

26 22. The individual plaintiff and his counsel are aware of their fiduciary
27 responsibilities to the members of the proposed class and are determined to diligently
28 discharge those duties by vigorously seeking the maximum possible recovery for all

1 members of the proposed class.

2 23. There is no plain, speedy, or adequate remedy other than by maintenance
3 of this class action. The prosecution of individual remedies by members of the class
4 will tend to establish inconsistent standards of conduct for the defendant and result in
5 the impairment of class members' rights and the disposition of their interests through
6 actions to which they were not parties. In addition, the class members' individual
7 claims are small in amount and they have no substantial ability to vindicate their rights,
8 and secure the assistance of competent counsel to do so, except by the prosecution of a
9 class action case.

10 **AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF OF THE NAMED**
11 **PLAINTIFF AND ALL PERSONS SIMILARLY SITUATED PURSUANT TO**
NEVADA'S CONSTITUTION AGAINST DEFENDANT BELL TRANS

12 24. The named plaintiff repeats all of the allegations previously made and
13 brings this First Claim for Relief pursuant to Article 15, Section 16, of the Nevada
14 Constitution against defendant Bell Trans only.

15 25. Pursuant to Article 15, Section 16, of the Nevada Constitution the named
16 plaintiff and the class members were entitled to an hourly minimum wage for every
17 hour that they worked for defendant Bell Trans and the named plaintiff and the class
18 members were often not paid such required minimum wages, in that for some of the
19 weeks they worked, the plaintiff's and the class members' commissions did not equal
20 either \$7.25 per hour or \$8.25 per hour as required by the Nevada Constitution.

21 26. Bell Trans's violation of Article 15, Section 16, of the Nevada
22 Constitution involved malicious and/or fraudulent and/or oppressive conduct by the
23 defendant sufficient to warrant an award of punitive damages for the following,
24 amongst other reasons:

25 (a) Bell Trans despite having, and being aware of, an express obligation
26 under Article 15, Section 16, of the Nevada Constitution, such obligation
27 commencing no later than July 1, 2007, to advise the plaintiffs and the
28 class members, in writing, of their entitlement to the minimum hourly

1 wage specified in such constitutional provision, failed to provide such
2 written advisement;

3
4 (b) Bell Trans was aware that the highest law enforcement officer of the
5 State of Nevada, the Nevada Attorney General, had issued a public
6 opinion in 2005 that Article 15, Section 16, of the Nevada Constitution,
7 upon its effective date, would require Bell Trans and other employers of
8 limousine cab drivers to compensate such employees with the minimum
9 hourly wage specified in such constitutional provision. Bell Trans
10 consciously elected to ignore that opinion and not pay the minimum wage
11 required by Article 15, Section 16, of the Nevada Constitution to its
12 limousine driver employees in the hope that they would be successful, if
13 legal action was brought against them, in avoiding paying some or all of
14 such minimum wages;

15
16 (c) Bell Trans, to the extent it believed it had a colorable basis to
17 legitimately contest the applicability of Article 15, Section 16, of the
18 Nevada Constitution to its limousine driver employees, made no effort to
19 seek any judicial declaration of its obligation from the highest and
20 controlling judicial tribunal the Nevada Supreme Court, or a lack of such
21 obligation from the same, under such constitutional provision and to pay
22 into an escrow fund any amounts it disputed were so owed under that
23 constitutional provision until such a final judicial determination was made,
24 Bell Trans also actively opposing having the Nevada Supreme Court make
25 such a determination in a prior lawsuit, *Lucas v. Bell Trans et al.*, 2:08-cv-
26 1792-JAD-NJK;

27
28 (d) Bell Trans was aware that it was not paying its limousine drivers the

1 minimum wage as required by the Nevada Constitution because
2 defendants were previously named as defendants in a prior lawsuit, *Lucas*
3 *v. Bell Trans et al.*, 2:08-cv-1792-JAD-NJK, which alleged violations of
4 the Nevada Constitution for defendants' failure to pay minimum wage in
5 compliance with Article 15, Section 16 of the Nevada Constitution and
6 resulted in a class action settlement to defendants' drivers who were
7 employed from December 18, 2005 through January 1, 2011. After the
8 resulting settlement, Bell Trans continued its violations of Article 15,
9 Section 16 of the Nevada Constitution as alleged in this Complaint.
10

11 27. Bell Trans engaged in the acts and/or omissions detailed in paragraph 26
12 in an intentional scheme to maliciously, oppressively and fraudulently deprive its
13 limousine driver employees of the hourly minimum wages that were guaranteed to
14 those employees by Article 15, Section 16, of the Nevada Constitution. Bell Trans so
15 acted in the hope that by the passage of time whatever rights such limousine driver
16 employees had to such minimum hourly wages owed to them by Bell Trans would
17 expire, in whole or in part, by operation of law. Bell Trans so acted consciously,
18 willfully, and intentionally to deprive such limousine driver employees of any
19 knowledge that they might be entitled to such minimum hourly wages, despite Bell
20 Trans obligation under Article 15, Section 16, of the Nevada Constitution to advise
21 such limousine driver employees of their right to those minimum hourly wages. Bell
22 Trans's malicious, oppressive and fraudulent conduct is also demonstrated by its failure
23 to make any allowance to pay such minimum hourly wages if they were found to be
24 due, such as through an escrow account, while seeking any judicial determination of
25 their obligation to make those payments.

26 28. The named plaintiff seeks all relief available to him and the alleged class
27 under Nevada's Constitution, Article 15, Section 16 including appropriate injunctive
28 and equitable relief to make Bell Trans cease its violations of Nevada's Constitution

1 and a suitable award of punitive damages.

2 29. The named plaintiff on behalf of themselves and the proposed plaintiff
3 class members, seek, on this First Claim for Relief, a judgment against Bell Trans for
4 minimum wages owed since January 2, 2011 and continuing into the future, such sums
5 to be determined based upon an accounting of the hours worked by, and wages actually
6 paid to, the plaintiffs and the class members along a suitable injunction and other
7 equitable relief barring Bell Trans from continuing to violate Nevada's Constitution, a
8 suitable award of punitive damages, and an award of attorneys' fees, interest and costs,
9 as provided for by Nevada's Constitution and other applicable laws.

10 **AS AND FOR A SECOND CLAIM FOR RELIEF PURSUANT TO THE**
11 **FAIR LABOR STANDARDS ACT AGAINST ALL DEFENDANTS**

12 30. The plaintiff repeats all of the allegations previously made and brings this
13 Second Claim for Relief pursuant to 29 U.S.C. § 216(b) on behalf of themselves and all
14 persons who have filed, or will file, their written consents with the Court to join this
15 lawsuit and against all defendants including the individual defendant, BRENT J.
16 BELL.

17 31. Pursuant to the applicable provision of the FLSA, 29 U.S.C. §§ 206 and
18 207, the named plaintiff and the members of the proposed plaintiff class were entitled
19 to a minimum wage and an overtime hourly wage of time and one-half their regular
20 hourly wages for all hours worked in excess of forty hours per week. The plaintiff and
21 the members of the proposed plaintiff class did not receive the minimum wage required
22 by Section 206 of the FLSA, which can allow a "tip credit" against the minimum wage
23 for limousine drivers, but defendants improperly applied such tip credit against the
24 minimum wage they were to pay the plaintiff and the members of the putative plaintiff
25 class as defined in 29 U.S.C. § 203(m) by improperly inflating, on the payroll records
26 for the plaintiff and the members of the proposed plaintiff class, the tips actually
27 received by such persons. The defendants also failed to properly record the actual and
28 full working hours of the plaintiff and the members of the proposed plaintiff class in its

1 payroll records and paid such persons during certain weeks nothing for some hours of
2 their work and by doing so also violating the minimum hourly wage requirements of
3 the FLSA. Further, the plaintiff and the members of the proposed plaintiff class
4 worked more than 40 hours per week for the defendants, and the defendants willfully
5 failed to make said overtime payments.

6 32. The plaintiff, on behalf of themselves and all other similarly situated
7 persons who consent in writing to join this action, seeks, on this First Claim for Relief,
8 a judgment for unpaid minimum wages and overtime wages, and additional liquidated
9 damages of 100% of any unpaid overtime wages and minimum wages, such sums to be
10 determined based upon an accounting of the hours worked by the plaintiff and any such
11 other persons who consent to join this action, and the plaintiffs also seek an award of
12 attorneys' fees, interest and costs as provided for by the FLSA.

13 **AS AND FOR A THIRD CLAIM FOR RELIEF PURSUANT TO NEVADA**
14 **REVISED STATUTES § 608.040 ON BEHALF OF THE NAMED PLAINTIFF**
AND THE PUTATIVE CLASS AGAINST DEFENDANT BELL TRANS

15 33. Plaintiff repeats and reiterates each and every allegation previously made
16 herein.

17 34. The named plaintiff brings this Third Claim for Relief against the defendant
18 Bell Trans pursuant to Nevada Revised Statutes § 608.040 on behalf of themselves and
19 the alleged class of all similarly situated employees of the defendant Bell Trans.

20 35. The named plaintiff has been separated from their employment with Bell
21 Trans prior to the filing of the instant action, and at the time of such separation was
22 owed unpaid wages by the defendant Bell Trans, including the unpaid overtime wages
23 and unpaid minimum wages alleged herein.

24 36. Bell Trans has failed and refused to pay the named plaintiff and numerous
25 members of the putative plaintiff class who are the former employees of Bell Trans
26 their earned but unpaid wages, such conduct by Bell Trans constituting a violation of
27 Nevada Revised Statutes § 608.020, or § 608.030 and giving such named plaintiff and
28 similarly situated members of the putative class of plaintiffs a claim against Bell Trans

1 for a continuation after the termination of their employment with Bell Trans of the
2 normal daily wages Bell Trans would pay them, until such earned but unpaid wages are
3 actually paid or for 30 days, whichever is less, pursuant to Nevada Revised Statutes §
4 608.040.

5 37. As a result of the foregoing, the named plaintiff seeks on behalf of
6 themselves and the similarly situated putative plaintiff class members a judgment
7 against the defendant Bell Trans for the wages owed to them and such class members
8 as prescribed by Nevada Revised Statutes § 608.040, to wit, for a sum equal to up to
9 thirty days wages, along with interest, costs and attorneys' fees.

10
11 WHEREFORE, plaintiff demands the relief on each cause of action as alleged
12 aforesaid.

13 Plaintiff demands a trial by jury on all issues so triable.

14 Dated this 19th day of January, 2016.

15 Leon Greenberg Professional Corporation

16 By: /s/ Leon Greenberg

17 LEON GREENBERG, Esq.
18 Nevada Bar No.: 8094
2965 South Jones Blvd- Suite E3
19 Las Vegas, Nevada 89146
Tel (702) 383-6085
Fax (702) 385-1827

20 Attorney for Plaintiff
21
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23
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28

CONSENT TO JOINDER

Cameron Oliver, by signing
below, hereby consents to join this case as a plaintiff pursuant
to 29 U.S.C. 216(b).



Cameron Oliver

1 IAFD

2 DISTRICT COURT
3
4 CLARK COUNTY, NEVADA

5 Cameron E. Oliver

6 Plaintiff(s),

CASE NO. _____

7 -vs-

8 DEPT. NO. _____

9 Bell Trans, A Nevada Corporation and
10 Brent J. Bell11 Defendant(s).
12

13 INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)

14 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are
15 submitted for parties appearing in the above entitled action as indicated below:
16

New Complaint Fee	1 st Appearance Fee
<input type="checkbox"/> \$1530 <input type="checkbox"/> \$520 <input type="checkbox"/> \$299 <input checked="" type="checkbox"/> \$270.00	<input type="checkbox"/> \$1483.00 <input type="checkbox"/> \$473.00 <input type="checkbox"/> \$223.00

17 Name:

18 ☐ \$3019 ☐ \$3020 ☐ \$3021 ☐ \$3022 ☐ Total of Continuation Sheet Attached23 ☐ \$ _____

24 TOTAL REMITTED: (Required)

25 Total Paid

26 \$ 27027 DATED this 20th day of January, 2016.

28 /s/ Leon Greenberg
Leon Greenberg